

REMARKS

This communication is a full and timely response to the non-final Office Action dated December 6, 2010. Claims 1-11 and 13-22 remain pending. By this communication, claim 6 is canceled without prejudice or disclaimer of the underlying subject matter, claims 1, 7, and 8 are amended, and claim 23 is added. Support for the amended subject matter on page 6, lines 2-15 of Applicant's disclosure.

In numbered paragraph 3 on page 3 of the Office Action, claims 1, 2, 4, 6, 11, and 14 are rejected under 35 U.S.C. §102(b) for alleged anticipation by *Ehrenberger* (U.S. Patent No. 4,131,776). Applicant respectfully traverses this rejection.

Independent claim 1 is directed to an apparatus that includes a moving contact piece that is driven by a rotating shaft and an electric motor that is driven by a drive shaft. The drive shaft of the electric motor can be coupled to the rotating shaft through a gear mechanism. A first axis of the drive shaft runs parallel to a second axis of the rotating shaft in a common horizontal plane.

The *Ehrenberger* patent fails to disclose or suggest the features recited in claim 1.

The *Ehrenberger* patent discloses a motorized drive assembly for a circuit breaker operator. The assembly includes a grooved shaft 1, and a circuit breaker 5 with a switch 6 mounted in a frame 4. A follower 7 with fingers 10 is mounted on the grooved shaft 1. The switch 6 of the circuit breaker 5 is disposed between the fingers 10, such that as the grooved shaft 1 rotates the follower 7 moves up or down the shaft 1 and adjusts the position of the switch 6 via the fingers 10.

The shaft 1 is driven by an electric motor 22. The electric motor 22 has a shaft 23 and a drive gear 24, which mates to a spur gear 21 of the shaft 1.

As recited in claim 1, the lever mechanism is a component through which the drive shaft of the electric motor is coupled to the rotating shaft of the switching device. The *Ehrenberger* patent, on the other hand, discloses that while the shift lever 25 is coupled to the shaft 23 of the electric motor, this lever is not also coupled to the follower shaft 7. Rather, the two shafts 23, 7 are coupled through the mating of drive gear 24 and spur gear 21. For at least this reason, claim 1 is not anticipated by this document.

In numbered paragraph 5 on page 5 of the Office Action, claims 3, 5, 9, 10, 13, 17-19, 21, and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the *Ehrenberger* patent, and in view of *O'Conner* (U.S. Patent No. 6,841,962). Applicant traverses this rejection.

The subject claims depend either directly or indirectly from independent claim 1. By virtue of this dependency and because of the additional features recited in each respective claim, Applicant submits that claims 3, 5, 9, 10, 13, 17-19, 21, and 22 are distinguishable over the combination of the *Ehrenberger* and *O'Conner* patents. Namely, the *O'Conner* patent fails to remedy the deficiencies of the *Ehrenberger* patent with regard to the combination of features recited in Applicant's claim 1. Withdrawal of this rejection, therefore, is respectfully requested.

Claim 23 is added and depends from independent claim 1. Favorable consideration of this claim is respectfully requested.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant submits that claims 1-11 and 13-23 are allowable, and this application is in condition for allowance. In the event the instant application can be placed in even better form, Applicant requests that the Examiner contact the undersigned.

Respectfully submitted,

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